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SUBJECT: HOME MINISTER AGREES TO NEW LINES OF KIBRIA CASE
INQUIRY

Classified By: P/E Counselor D.C. McCullough

[11.](#) (C) Summary. On April 21, Home State Minister Babar and Foreign Policy Adviser Rahman agreed to Ambassador's proposal for pursuing new lines of investigation to supplement the BDG's case against the Kibria murder suspects and, in that context, to bring the FBI back to Bangladesh for another round of consultations. On April 25, a MHA working level official stated that he had no information on this development and would have to check with his superiors for guidance. End Summary.

[12.](#) (C) At an April 21 private lunch with Home State Minister Babar and Foreign Policy Adviser Rahman, Ambassador noted the continuing allegations by the Kibria family and others that the police investigation of the Kibria murder is incomplete and flawed. He expressed concern that during A/Legatt's interviews of the Kibria murder suspects in Habiganj on March 27, all but one suspect -- the person who allegedly threw the grenade -- denied their involvement and said they had been tortured by police to give false confessions. The suspects bore marks that appeared to be consistent with claims of torture. The USG, Ambassador noted, cannot accept torture as an instrument of law enforcement. Moreover, if the veracity of the confessions come into question, there appears to be little if any other evidence to convict the suspects.

[13.](#) (C) To supplement the BDG's case and show that it is committed to bringing Kibria's killers to justice, Ambassador suggested that the police take several additional investigative steps: retrieve and log call records from mobile and fixed line phones owned or used by the suspects; obtain financial records for Quayyum, the alleged ringleader, for six months prior to the attack to see who was sending him money and if there were unusual incoming or outgoing transfers; interview family and other persons to verify or refute claims that the suspects were not present at an alleged planning meeting with Quayyum; interview Awami League members present at the attack; and interview the former Superintendent of Police and the Officer in Charge on what they saw at the crime scene and what they were able to accomplish before they were transferred away from Habiganj. If the BDG agreed to these steps, we would then ask the FBI to return to Bangladesh to assist. Ambassador also asked for the FBI to meet privately with Quayyum.

[14.](#) (C) Babar and Rahman agreed to the proposed lines of inquiry, reiterating the BDG's total commitment to a full and impartial investigation and to providing whatever cooperation requested by the FBI. However, a private meeting with Quayyum might be problematic under Bangladeshi law. Their only request, they said, was 48-hour notice before the FBI returned.

[15.](#) (C) Late April 25, P/E Counselor and RLA met with MHA Joint Secretary Muhammad Muhsin. Muhsin asserted he had no knowledge of the April 21 meeting or agreement but undertook to check with his superiors for guidance. He also expressed the view it would be difficult for the BDG to agree to a private FBI meeting with Quayyum. Muhsin had no updates on the Kibria case, such as whether it had been decided to refer it to a speedy tribunal (this is the expectation, repeated by Babar to the Ambassador) or when a court date might be set. He did confirm that, regardless of venue, the trial would be open to the public.

[16.](#) (C) Comment: Muhsin was expressed surprise at our proposal, even though it had been extensively previewed to him the day before when we set up the meeting. This is not the first time Muhsin has had to refer matters to seniors who had apparently not kept him in the loop. The A/Legatt who will come to Dhaka is applying for her Bangladeshi visa and is expected to arrive on Sunday, May 1. Our understanding of Bangladeshi law, as explained to us by a Home Ministry legal advisor and others, is that it is virtually impossible to exclude a confession from trial once it has been accepted as accurate and un-coerced by a magistrate, regardless of whether the defendant subsequently tries to recant it.

CHAMMAS